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FM USMISSION GENEVA
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INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY KIGALI PRIORITY
JTF SUPPORT HOPE KELLY BARRACKS GE//COS/JOC/J3//
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AMEMBASSY BERN
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STATE FOR G, PRM, IO, AF, DRL/AAA, PM/ISP
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E.O. 12356: DECL: OADR
TAGS: PHUM, PREF, PREL, PGOV, MASS, EAID, AORC, RW CG UN
SUBJECT: MGRW02: SHATTUCK AND OAKLEY DISCUSS RWANDA
- HUMAN RIGHTS ISSUES WITH HIGH COMMISSIONER FOR HUMAN
- RIGHTS

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: A/S SHATTUCK AND A/S OAKLEY, TOGETHER WITH
AMBASSADOR SPEIGEL AND STAFF, MET WITH HIGH COMMISSIONER

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FOR HUMAN RIGHTS JOSE AYALA LASSO OCTOBER 7, TO DISCUSS RWANDAN HUMAN RIGHTS ISSUES. FOCUSSED ON THE NEED TO RESOLVE LOGISTICAL DIFFICULTIES WHICH HAVE HAMPERED THE DEPLOYMENT OF THE HUMAN RIGHTS FIELD MONITORS, SHATTUCK INFORMED AYALA OF THE DECISION TO CONFER OVERALL COORDINATING RESPONSIBILITIES FOR UN OPERATIONS IN RWANDA ON SYGSR SHARIAR KHAN. SHATTUCK ENCOURAGED AYALA TO CONTACT KHAN IMMEDIATELY AND TO RESOLVE WITH HIM THE PRACTICAL PROBLEMS CONFRONTING THE HEAD OF THE HUMAN RIGHTS FIELD OFFICE IN KIGALI, BILL CLARENCE. AYALA IDENTIFIED THE MONITORS PROBLEM AS ONE OF BUREAUCRATIC DRAG RATHER THAN LACK OF FUNDING: NORMAL RECRUITMENT AND PROCUREMENT PROCEDURES HAVE BEEN APPLIED WITH LITTLE REGARD FOR THE URGENCY OF THE NEED. HE WAS HOPEFUL THAT KHAN'S APPOINTMENT WOULD CHANGE THAT; HE WOULD SEEK IMMEDIATELY TO ESTABLISH A PRODUCTIVE RELATIONSHIP WITH HIM.

3. ALSO DISCUSSED DURING THE 75-MINUTE MEETING WAS THE NEED TO ASSIST RWANDA AS IT REBUILDS ITS JUSTICE

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SYSTEM. THE HUMAN RIGHTS CENTER IS TO SEND AN ASSESSMENT TEAM TO RWANDA NEXT WEEK; IT WILL THEN DEVELOP A PROPOSAL FOR AN ADVISORY SERVICES PROGRAM AND CALL FOR VOLUNTARY CONTRIBUTIONS. SHATTUCK AND AYALA AGREED THAT A PLEDGING CONFERENCE FOCUSSED ON HUMAN RIGHTS NEEDS SHOULD BE CALLED, POSSIBLY IN ASSOCIATION WITH THE NEWLY-ESTABLISHED, INFORMAL "FRIENDS OF RWANDA" GROUP. SHATTUCK PROMISED U.S. HELP IN EXPEDITING UN HEADQUARTERS' PROCESSING OF A DRAFT AGREEMENT WITH THE RWANDAN GOVERNMENT ON THE MONITORING OPERATION. AYALA WAS TOLD THAT THE U.S. WOULD DISBURSE ITS USD 750,000 CONTRIBUTION FOR THE MONITORS PROGRAM ON RECEIPT FROM UNDP OF A PROPOSAL FOR ITS USE. SHATTUCK URGED AYALA TO PROVIDE AMBASSADOR SPIEGEL WITH INFORMATION ABOUT DIFFICULTIES ENCOUNTERED IN PRESSING UNHCHR REQUESTS FOR SUPPORT IN NEW YORK SO THAT USG ASSISTANCE IN BREAKING UN LOGJAMS CAN BE PROVIDED. OAKLEY STRESSED THE INTEGRAL CONNECTION BETWEEN HUMAN RIGHTS, REFUGEE AND SECURITY ISSUES IN RWANDA. END SUMMARY.

4. AMBASSADOR SPIEGEL, DRL A/S JOHN SHATTUCK AND PRM A/S PHYLISS OAKLEY MET WITH HIGH COMMISSIONER FOR HUMAN RIGHTS JOSE AYALA LASSO OCTOBER 7. THE MEETING WAS INITIATED BY SHATTUCK TO REVIEW HOW THE USG CAN HELP PUT

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THE RWANDA HUMAN RIGHTS MONITORS PROGRAM ON TRACK. ALSO IN ATTENDANCE WERE HUMAN RIGHTS CENTER DIRECTOR IBRAHIMA FALL AND SPECIAL PROCEDURES BRANCH CHIEF GEORG MAUTNER-MARKHOF; AS WELL AS AMBASSADOR (TO RWANDA) DAVID RAWSON, AID/BHR DAA MAHDESIAN AND DRL/MLA ROSENBLATT.

5. SHATTUCK REVIEWED HIS RECENT MEETINGS IN NEW YORK
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WITH RWANDAN PRESIDENT BIZIMUNGU AND WITH KEY UN OFFICIALS, INCLUDING USYGS KOFI ANNAN AND PETER HANSEN. POINTING TO A PERVASIVE DESIRE TO MOVE AHEAD ON THE HUMAN RIGHTS FRONT IN RWANDA, SHATTUCK DESCRIBED HIS UNDERSTANDING OF A KEY DECISION WHICH HAS NOW BEEN TAKEN TO CONFER COORDINATING RESPONSIBILITY FOR ALL UN ACTIVITIES IN RWANDA ON SYGSR SHARYAR KHAN. SHATTUCK SAID HE BELIEVED THIS DECISION WAS THE BREAKTHROUGH NEEDED TO MOVE BEYOND THE LOGISTICAL DIFFICULTIES THAT HAVE HAMPERED THE START OF THE UN'S HUMAN RIGHTS MONITORING OPERATION IN RWANDA. SHATTUCK HAD COME TO GENEVA TO CALL AYALA LASSO'S ATTENTION TO THE OPPORTUNITY AT HAND AND TO DISCUSS HOW THE U.S. COULD HELP ENSURE THAT UN COORDINATION IN RWANDA RESULTED IN EARLY RESOLUTION OF THE PROGRAM'S CRIPPLING LOGISTICAL DIFFICULTIES.

6. REFERRING TO THE RECENT VISIT OF MAHDESIAN AND ROSENBLATT TO KIGALI, AS WELL AS THAT OF THE USG SPECIAL INVESTIGATIVE TEAM ASSISTING THE COMMISSION OF EXPERTS, SHATTUCK LISTED HUMAN RIGHTS MONITORS OFFICE HEAD BILL CLARENCE'S UNMET LOGISTICAL NEEDS: VEHICLES, SECRETARIAL ASSISTANCE, SATELLITE PHONE, RADIOS, AND

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OFFICE EQUIPMENT. SHATTUCK SAID HE HOPED THAT
COORDINATION WITH SYGSR KHAN WOULD LEAD TO THE IMMEDIATE
PROVISION OF LOGISTICAL SUPPORT OF THIS KIND. WITH
REGARD TO THE GENEVA SIDE, SHATTUCK STATED THAT THE USG

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IS PREPARED TO PROVIDE AT NO COST FOUR PERSONNEL FUNDED BY USAID TO PROVIDE ADMINISTRATIVE BACK-UP AT THE CENTER TO CLARENCE'S KIGALI OPERATION. ONE OR MORE OF THESE ADMINISTRATIVE SPECIALISTS COULD THEN PROCEED TO KIGALI, AS NEEDED.

7. AYALA LASSO AGREED THAT THE INSTITUTION OF AN OVERALL COORDINATING ROLE WAS OF THE UTMOST IMPORTANCE. HE DESCRIBED HOW THE NORMAL PROCUREMENT AND RECRUITING PROCEDURES HAD UTTERLY FAILED IN THIS HUMAN RIGHTS EMERGENCY. WHILE HE HAD BEEN IN FREQUENT TOUCH WITH UNSYG ANNAN, HE HAD NOT CONTACTED SYGSR KHAN. GIVEN NEWS OF KHAN'S WELCOME COORDINATING ROLE, HE WOULD CALL HIM IMMEDIATELY FOLLOWING THE MEETING AND REMAIN IN CONSTANT TOUCH WITH HIM. REGARDING THE COORDINATING ROLE, AYALA NOTED THAT THE COMMISSION OF EXPERTS AND SPECIAL RAPPORTEUR ARE INDEPENDENT BODIES WHICH SHOULD NOT BE SUBJECT TO KHAN'S AUTHORITY, BUT SHOULD BE ABLE TO CALL ON HIS ASSISTANCE. AYALA ADDED THAT A MEETING OF AN "AD HOC DHA INTERAGENCY GROUP" TO SUPPORT THE

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HUMAN RIGHTS OPERATION IN RWANDA WILL BE HELD IN GENEVA OCTOBER 11; IT WOULD, HE HOPED, BE RESPONSIVE TO KHAN'S AND CLARENCE'S NEEDS.

8. REPLYING TO SHATTUCK, AYALA CONFIRMED THAT THE MAIN CURRENT OBSTACLE IS NOT FUNDING, BUT RATHER CUMBERSOME PROCUREMENT PROCEDURES AND THE UNIMAGINATIVE WAY UN RULES AND REGULATIONS HAD BEEN APPLIED. AYALA REFERRED TO A RECENT CONFIDENTIAL MEMO FROM USYG FOR ADMINISTRATION CONNOR ON THE NEED FOR MORE CREATIVE AND LESS BUREACRATIC RESPONSES -- WHICH HAD BEEN PROMPTED BY THE RWANDA MONITORS EXPERIENCE. POINTING TO AN EXAMPLE, AYALA DESCRIBED HOW VEHICLES OFFERED BY OIM IN NAIROBI WERE NO LONGER AVAILABLE BY THE TIME NEW YORK HAD PROCESSED THE REQUEST TO DEPLOY THEM WITH THE MONITORS. AYALA ASSURED SHATTUCK THAT ALTHOUGH CLARENCE MAY NOT HAVE PROVIDED A COMPREHENSIVE LOGISTICAL PLAN OF ACTION, HIS NEEDS WERE WELL-KNOWN IN GENEVA. THE PROBLEM HAS BEEN A SIMPLE AND FAMILIAR ONE: GENEVA HAS NOT BEEN ABLE TO CONVINCE NEW YORK TO WAIVE NORMAL PROCEDURES AND RESPOND PROMPTLY TO REQUESTS FOR LOGISTICAL SUPPORT. AYALA DID NOT EXPECT UNAMIR OR ANY OTHER UN OPERATION IN RWANDA TO PROVIDE LOGISTICAL SUPPORT EXCEPT ON AN EXCEPTIONAL BASIS; THE MONITORS OPERATION MUST BE ABLE

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TO STAND ON ITS OWN. KHAN'S NEW ROLE AS OVERALL COORDINATOR COULD BE THE BREAKTHROUGH THAT WOULD ALLOW THE MONITORS TO MEET THEIR IMMEDIATE NEEDS -- AND MIGHT ALLOW THEM FINALLY TO BEGIN TO DEPLOY IN THE FIELD.

9. OAKLEY ADDED THAT THE UN RESPONSE TO COMPLEX HUMANITARIAN SITUATIONS REQUIRED BETTER COORDINATION.
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SHE SPOKE OF KHAN'S EXCEPTIONAL ABILITIES WHICH COULD NOW BE BROUGHT TO BEAR, GIVEN HIS ENHANCED AUTHORITY. SHE SPOKE OF GRAVE CONTINUING CONCERNS REGARDING SECURITY IN RWANDA AND IN THE REFUGEE CAMPS, AS WELL AS THE SPECIAL PROBLEM OF THE FORMER RWANDAN ARMY CAMPED INSIDE ZAIRE. SHE STRESSED THE GREAT URGENCY OF PROCEEDING WITH ACCOUNTABILITY AND THE PROCESS OF JUSTICE IN RWANDA -- WHICH WERE INTEGRALLY TIED TO A RESOLUTION OF THE SECURITY ISSUES.

10. TURNING TO THE RWANDA TRIBUNAL, AYALA NOTED RECENT PROGRESS IN NEW YORK WHICH HAS HAD THE EFFECT OF REDUCING, FOR NOW, PRESS CRITICISM OF THE HUMAN RIGHTS MONITOR OPERATION. SHATTUCK NOTED THAT THE JUST-CONCLUDED VISIT TO RWANDA OF THE U.S. INVESTIGATIVE TEAM WOULD BE FOLLOWED UP BY A NEW MISSION AND THEN A CONTINUING PRESENCE IN RWANDA. AYALA NOTED A PROBLEM REGARDING THE OFFICES OF THE MONITORING OPERATION IN KIGALI, WHICH THE U.S. INVESTIGATIVE TEAM ALSO SOUGHT TO USE. RAWSON PROMISED TO ADDRESS THE OFFICE ISSUE FOLLOWING HIS RETURN (LATER THAT DAY) TO KIGALI.

11. RETURNING TO THE USAID OFFER TO PROVIDE FOUR

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PERSONNEL TO GENEVA, AND THEN POSSIBLY TO KIGALI,
SHATTUCK SAID HE HOPED AYALA WOULD ACCEPT THIS
OPPORTUNITY FOR ADMINISTRATIVE ASSISTANCE. AYALA SAID
HE GRATEFULLY WOULD. ADDRESSING THE ISSUE OF THEIR

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ROLES, SHATTUCK SAW THE MONITORS AS BEING PRESENT- AND FUTURE-ORIENTED. INVESTIGATIONS OF GENOCIDE AND PAST ABUSES WOULD BE THE PURVIEW OF THE SPECIAL INVESTIGATORS THAT WOULD SOON BE OPERATING UNDER THE DIRECTION OF THE OFFICE OF THE CHIEF PROSECUTOR OF THE RWANDA TRIBUNAL. THEREFORE, RECRUITMENT AND TRAINING OF MONITORS SHOULD NOT BE FOCUSED ON LEGAL EXPERTISE. AYALA AGREED, STATING THAT MONITORS SHOULD BE GROUNDED IN HUMAN RIGHTS AND THAT INVESTIGATION WAS NOT PART OF THEIR MANDATE. RATHER, THEY SHOULD ENGAGE IN ACTIVITIES THAT WOULD HELP TO RE-ESTABLISH A SOCIETY RESPECTFUL OF HUMAN RIGHTS. SHATTUCK NOTED IN THIS REGARD RWANDAN PRESIDENT BIZIMUNGU'S COMMENTS TO HIM ON THE ESSENTIAL NEED FOR HUMAN RIGHTS EDUCATION IN HIS COUNTRY.

12. OAKLEY REPORTED THAT NGO'S HAVE ASKED TO PARTICIPATE WITH AND ASSIST THE MONITORS; THIS CALLED FOR A NEW TYPE OF COORDINATION. AYALA RESPONDED THAT HE WAS WORKING WITH AN (UNAMED) NGO ON A MEMORANDUM OF UNDERSTANDING SETTING OUT SUCH COOPERATION (UNDER THE

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HCHR'S AUTHORITY). ROSENBLATT NOTED THAT MONITORS CURRENTLY IN KIGALI DO NOT SHARE A COHERENT VIEW OF THEIR ROLE AND RESPONSIBILITIES; FURTHER GUIDANCE FROM GENEVA WAS NEEDED. MAUTNER-MARKHOF REPLIED THAT THIS WAS INDEED AN URGENT PRIORITY; CLARENCE HAD BEEN TASKED TO DEVELOP A CODE OF CONDUCT FOR MONITORS. IN ADDITION TO CLARIFYING THE DISTINCTION BETWEEN THEIR ROLE AND THAT OF THE SPECIAL INVESTIGATORS, THIS DOCUMENT WOULD DESCRIBE THE CONTRIBUTIONS, FOR EXAMPLE IN COMMUNITY DEVELOPMENT AND REHABILITATION ASSISTANCE, THAT WOULD BE EXPECTED OF MONITORS.

13. ADDRESSING RWANDA'S NEEDS FOR ASSISTANCE IN RECONSTITUTING ITS JUSTICE SYSTEM, SHATTUCK STATED THAT THE USG IS CONSIDERING WHAT KIND OF AID IT CAN OFFER; COORDINATION WITH THE UN ON THIS SCORE WOULD BE NEEDED. AYALA NOTED THAT, BASED ON HIS OWN CONVERSATIONS WITH PRESIDENT BIZIMUNGU, RWANDA IS IN NEED OF ASSISTANCE FROM THE BOTTOM UP, FROM BASIC INFRASTRUCTURE TO MAGISTRATES. THE HUMAN RIGHTS CENTER IS TO SEND AN ASSESSMENT TEAM TO RWANDA OCTOBER 17. ITS FINDINGS WILL FORM THE BASIS OF A PROPOSAL FOR AN ADVISORY SERVICES PROGRAM FOR RWANDA -- FOR WHICH THE HCHR WILL MAKE AN APPEAL FOR CONTRIBUTIONS.

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14. SHATTUCK SPOKE OF THE FORMATION OF AN INFORMAL "FRIENDS OF RWANDA" GROUP WHICH COULD BE ASSOCIATED WITH A FURTHER PLEDGING CONFERENCE FOR RWANDA, TO COVER THE WHOLE SPECTRUM OF ITS NEEDS, OR AT LEAST TO FUND THE MONITORS, THE TRIBUNAL AND SUPPORT FOR RWANDA'S JUSTICE SYSTEM. AYALA STATED THAT HE PREFERRED LIMITING A
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PLEDGING CONFERENCE TO HUMAN RIGHTS ASSISTANCE, GIVEN THE LIKLIHOOD THAT THE PREPONDERANCE OF DONATIONS WOULD THERWISE BE DIRECTED TO REFUGEE AID. AMB. SPIEGEL NOTED THE RELATIVELY SMALL SUM (USD 4.7 MILLION) RWANDA NEEDS TO PAY IN ARREARS IN ORDER TO QUALIFY FOR A HEFTY (USD 250 MILLION) WORLD BANK LOAN. SHATTUCK SAID HE EXPECTED THE USG WOULD ASSIST RWANDA IN THIS REGARD.

15. RAWSON STATED THAT HE HAD RECENTLY MET WITH THE SWISS AUTHORITIES IN BERN; THEY ARE INTERESTED IN PROVIDING ASSITANCE TO RWANDA AS IT REBUILDS ITS JUSTICE SYSTEM. RAWSON ENCOURAGED AYALA TO FOLLOW-UP WITH THE SWISS GOVERNMENT.

16. MAHDESIAN ADDRESSED THE PLEDGED U.S. CONTRIBUTION FOR THE MONITORS PROGRAM OF USD 750,000. THE USG IS CURRENTLY AWAITING UNDP'S PROPOSAL FOR ASSISTANCE FOR A UNV PROJECT; IT INCLUDES FUNDING FOR THE NEXT TRANCHE OF MONITORS AND FOUR STAFF POSITIONS FOR THE HUMAN RIGHTS CENTER. ONCE THIS PROPOSAL IS RECEIVED, THE U.S. CONTRIBUTION CAN BE DISBURSED.

17. ROSENBLATT POINTED TO THE URGENT NEED FOR A STATUS

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AGREEMENT ON THE MONITORS BETWEEN THE UN AND THE RWANDAN
GOVERNMENT. CLARENCE HAD STATED THAT A DRAFT AGREEMENT
HAD BEEN SENT TO GENEVA SOME TIME AGO. AYALA REPLIED
THAT THIS WAS ANOTHER EXCELLENT EXAMPLE OF BUREAUCRATIC

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INERTIA: HE HAD IMMEDIATELY APPROVED THE DRAFT AND HAD IT FORWARDED TO THE LEGAL ADVISOR'S OFFICE IN NEW YORK -- WHERE IT STILL RESTS. SHATTUCK SAID HE WOULD UNDERTAKE TO PRY THE AGREEMENT LOOSE IN NEW YORK. THIS WAS PRECISELY THE KIND OF ASSISTANCE AYALA SHOULD FEEL FREE TO CALL UPON FROM WASHINGTON. THE HCHR SAID HE WOULD GRATEFULLY TAKE UP THE OFFER.

18. ASSISTANT SECRETARY SHATTUCK HAS CLEARED THIS CABLE. KIGALI, BUJUMBURA MINIMIZE CONSIDERED. SPIEGEL

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